

MEETING:	Council
DATE :	19 May 2022
TITLE :	Amendments to the Constitution - Appointment of Cabinet Member Assistants and Cabinet Member Job Sharing Arrangements, Local Government and Elections (Wales) Act 2021
AUTHOR :	Iwan Evans, Monitoring Officer

It is recommended that the Full Council:

- 1. Adopts the amendments to the Constitution (Appendix 1) to allow for the implementation of Section 57 of the Local Government and Elections (Wales) Act 2021.**
- 2. Accepts for information the amendments made to the Constitution (Appendix 1) by the Monitoring Officer to incorporate the provisions of Section 58 of the Local Government and Elections (Wales) Act 2021.**
- 3. Authorises the Monitoring Officer to make such further consequential amendments to the Constitution that derive directly as a result of this amendment**

Background

1. Section 57 - Appointment of Assistant to the Cabinet Members and Leader

1.1 This section allows for the addition of a provision within the Constitution which gives the Leader of the Council the right to appoint Assistants to the Cabinet Members and the Leader. The ability to appoint Cabinet Assistants has been introduced by the Local Government and Elections (Wales) Act 2021.

1.2 The Assistant will have a supporting role. An Assistant will be entitled to attend and speak at Cabinet meetings and Cabinet committees. The Assistant's tasks will be delegated as agreed between the Member and Assistant. This could include, e.g. attending/chairing meetings; speaking at/opening meetings; reading and making

observations on work papers; meeting Officers; agreeing upon press releases and sitting as a representative at suitable groups.

- 1.3 The restrictions in terms of who can take up the post of Assistant to a Cabinet Member are noted in Appendix 1 of the report. In addition to this, at Committees such as Scrutiny, Audit and Governance and Democratic Services, the same restrictions apply to the Cabinet Assistant as those that relate to a Cabinet Leader or Member.
- 1.4 The Act highlights that this Assistant will not be a Cabinet Member, and neither will they make any decision-making. The power to vote or make decisions cannot be delegated to the Assistants.
- 1.5 The recommendation is that the Council adopts these amendments to the Constitution to enable the Leader to have the means if he considers it appropriate to appoint Cabinet Assistants.

2. Section 58 - Job Sharing: Cabinet Members and Cabinet Leader

- 2.1 This section makes it mandatory to make arrangements that enable job sharing in the posts of Cabinet Members and Cabinet Leader. The purpose of creating this section is to make it easier to promote diversity amongst elected members by giving an opportunity for more Councillors to participate as Cabinet Members.
- 2.2 The Act sets out the restrictions on the numbers that the Leader can appoint to job share. This Section does not create more Cabinet posts, it merely enables more than one Member of the Council to share one Cabinet post.
- 2.3 These Members who share the Cabinet or Leader posts will count as 'one' for the purposes of voting and quorum.
- 2.4 When two or more members job share, the number of members of the Cabinet may exceed 10 up to a maximum of 13 and where the number of members of the Cabinet is:

- (a) 11 or 12 at least 2 members must have been appointed to job share
- (b) 13 at least 3 members must have been appointed to job share.

2.5 A sharing arrangement that is clear to Members, Officers, stakeholders and the Public will be required. The Annual Report of the Independent Remuneration Panel for Wales makes provision for this arrangement, which is based on sharing an appropriate proportion of the salary.

2.6 Every Member who job shares is entitled to attend the Cabinet. There is one vote for each post in the Cabinet, therefore, if two Members share a post, they have one vote between them. However, in terms of quorum, the attendance of members who job share is considered as one member.

2.7 There will be many matters to agree upon by Members who have been appointed to job share, e.g. who will make a recommendation; who will respond to enquiries by the Press and how; communication regarding the relationship with the Head of Department; how functions will be highlighted and communicated; whether there will be a lead between those who job share and what this means in terms of sharing work. The Leader should establish the arrangements when approving and appointing Cabinet members.

2.8 I have implemented the change deriving from Section 58 as it is a statutory requirement to have a provision in place for job sharing in the Constitution.

2.6.3 Legislative Change

The Monitoring Officer may amend any part of the Constitution where such an amendment is necessary in order to comply with any legislative provision. Such amendments will come into force when the Monitoring Officer so decides or when the legislation (where relevant) provides for that. Such changes will be reported to the next meeting of the Full Council for information.

Statutory Officers Comments

Monitoring Officer

Report Author

Chief Finance Officer

I have no objection to the decision sought from the perspective of financial propriety”.